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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,592	02/25/2002	Ronald L. Cravens	56510.10002	5751

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EXAMINER	
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ART UNIT	PAPER NUMBER
1645	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/084,592	CRAVENS, RONALD L.	
	Examiner	Art Unit	
	OLUWATOSIN OGUNBIYI	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,5,14,15 and 17-35* is/are pending in the application.

4a) Of the above claim(s) *4,5,14 and 15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-35* is/are rejected.

7)☒ Claim(s) *17 and 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/30/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

The amendment filed 3/5/09 has been entered into the record.

Claims 1-3, 6-13 and 16 are cancelled.

Claims 4-5 and 14-15 are withdrawn. It is noted that claims 4-5 are dependent on cancelled claims and thus Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 17-35 are new and are under examination.

Information Disclosure Statement

The information disclosure statement filed 12/30/08 has been considered and an initialed copy is enclosed.

Objections/Rejections Withdrawn

The objection to claims 2-3 and 6-13 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim is withdrawn in view of the cancellation of the claims.

The rejection of claims 2-3 and 6-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of the cancellation of the claims.

The rejection of claims 1-3, 8 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by Vaillancourt et al US 4,402,941. Sept. 6, 1983 is withdrawn in view of the cancellation of the claims.

The rejection of claims 1-3, 6-9, 11, and 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Merck Veterinary Manual 8th Edition 1998 (whole book, since the whole book cannot be scanned some exemplary pages are cited: 348-349, 358-361, 1644-1651, 1866-1869, 1972-1874) in view of Vaillancourt et al US 4,402,941. Sept. 6, 1983 is withdrawn in view of the cancellation of the Claims.

The rejection of claims 1-3, 6-7, 9, 12, 13 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al US 2002/0025325 A1 filed June 21, 2001 in view of Vaillancourt et al US 4,402,941. Sept. 6, 1983 is withdrawn in view of the cancellation of the claims.

The rejection of claims 1-3, 6-7, 9, 10 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston et al US 4, 692,412, 1987 in view of Vaillancourt et al US 4,402,941. Sept. 6, 1983 is withdrawn in view of the cancellation of the claims

Double Patenting

Applicant is advised that should claims 27-35 be found allowable, claims 17-22 and 24-26 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claims 27-35 do not recite "veterinary prophylactic composition" but since the prophylactic composition of claims 27-35 is applied to an animal and since the preambles of both claims 27-35 and claims 17-22 and 24-26 is drawn to 'a method for treating livestock to achieve a positive effect on the health of an animal" it follows that the prophylactic composition of claims 27-35 is used for veterinary purposes and is thus a veterinary prophylactic composition. There is no definition of "veterinary prophylactic composition" provided in the specification that distinguishes from the

prophylactic composition of claims 27-35. Also, claims 17-22 and 24-26 do not recite "applying an effective dose", however prima facie obvious that the composition if claims 17-22 and 24-26 is necessarily applied in an effective dose in order to achieve the results of the preamble i.e. " method for treating livestock to achieve a positive effect on the health of an animal"

New Claim Objections

Claim 17 and 27 is objected to because of the following informalities:
In claim 17, 'affect' in line 1 should be 'effect'.
In claim 17 and 27, in line 3 'a muzzle' should be 'the muzzle'. "A muzzle" implies that the animal has more than one muzzle.
Appropriate correction is required.

New Rejections Based on Amendment

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are drawn to a method for treating livestock to achieve a positive effect on the health of an animal comprising: applying an effective dose of a prophylactic composition directly to a muzzle of said animal, wherein said animal distributes said effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said animal cleans said muzzle with its tongue, wherein said prophylactic composition includes at least one prophylactic agent and post-application identifier.

It is not clear whether the animal that gets an effective dose of a prophylactic composition directly to its muzzle is the same as the livestock referred to in the preamble of the claims. In the preamble, "treating livestock to achieve a positive effect on the health of an animal", it is not clear whether the treating the livestock is intended to achieve a positive effect on the health of an animal that is not necessarily a livestock. Clarification in the claim will obviate this issue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) in view of Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000.

The claims are drawn to a method for treating livestock to achieve a positive effect on the health of an animal comprising: applying an effective dose of a prophylactic composition

directly to a muzzle of said animal, wherein said animal distributes said effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said animal cleans said muzzle with its tongue, wherein said prophylactic composition includes at least one prophylactic agent and post-application identifier.

Chu et al teaches a method of treating livestock such as pigs, goats, sheep, cattle, horses to protect them against disease (achieve positive effect on the health of the animal) comprising administering veterinary prophylactic agent (also a veterinary prophylactic composition since it is administered to veterinary animals/livestock) such as a pharmaceutical agent which comprising an effective dose of a vaccine comprising formulating the vaccine into drinking water that is provided to the animals in a bucket or trough so that the animal ingests the drinking water/vaccine formulation when it goes to drink water. Thus, the veterinary prophylactic composition comprises drinking water and a veterinary prophylactic agent which is the vaccine. See paragraph 19-23, 31, 44-50 and 54.

Thus, by the animal drinking the water/vaccine mix from a bucket or trough the water/vaccine mix is applied directly to the muzzle of the pigs, goats, sheep, cattle, horses when the animal sticks its head into the bucket or trough and when said animals inherently licks it muzzle with its tongue , they will distribute the water/vaccine mix into their oral and nasal cavity.

Chu et al does not teach vaccines to treat livestock wherein the vaccines contain post application identifier such as a light visible dye and performance enhancing component such as viscosity enhancers and/or adhesive enhancers.

Gallili et al teaches vaccines for livestock e.g. cattle and large farm animals in tablet form comprising effective amounts antigenic component and post identification such as a colorants (light visible dyes) to help identify types of vaccine formulation that can be dissolved in a diluent and applied as a whole body spray. Said vaccine further comprises excipients such as viscosity enhancer such as glidants and adhesive enhancer such as adhesives. See abstract, column 1 lines 15-27, column 9 lines 9- 17, lines 50-67, column 12 lines 56 to 58 column 10 lines 40-45., column 14, lines 41 to 42, column 11 lines 17-19.

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to substitute, in the method of Chu et al, the vaccine of Chu et al with the vaccine of Galili et al as set forth above because Galili et al teaches a vaccine agent that can also be used to achieve a positive effect on the health of livestock animals such as cattle (e.g. to protect against *Salmonella sp* or *E. coli* or anthrax or viral infections of cattle, see Galili at column 7 lines 49-50 and 56-57 and column 14 lines 41 to 43 and also because Galili et al teaches that its vaccine agent can also be dissolved and administered via drinking water. This modification of Chu et al results in the instant invention with a reasonable expectation of success. Alternatively, it would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add a light visible dye to the vaccine of Chu et al because Gallili et al teaches that colorants (light visible dyes) to help identify types of vaccine formulation.

As to claim 28, Gallili et al teaches vaccines for livestock e.g. cattle and large farm animals in tablet form comprising effective amounts antigenic component and post identification such as colorants (light visible dyes) to help identify types of vaccine formulation that can be dissolved in a diluent and applied as a whole body spray. Said vaccine further comprises excipients such as viscosity enhancer such as glidants and adhesive enhancer such as adhesives. See abstract, column 1 lines 15-27, column 9 lines 9- 17, lines 50-67, column 12 lines 56 to 58 column 10 lines 40-45., column 14, lines 41 to 42, column 11 lines 17-19. Thus, it would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made that the vaccine of Chu and Gallili et al as combined above can be applied as whole body spraying involving spraying the diluted vaccine to all areas of the livestock animal including the face which comprises the muzzle (whole body spray) and due to the inherent natural licking behavior of cattle and other large farm animals the sprayed vaccine is distributed into the oral and nasal cavities to contact the oral and nasal mucosa when said animals eventually lick the muzzle with its tongue.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) and Gallili et al. US 6,541,001 B1 April. 1,

2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 above, further in view of Emery et al. US 5,906,826 May 25, 1999.

The combination of Chu et al and Gallili et al is set forth supra. Said combination does not teach that the veterinary prophylactic agent comprises at least one preservative agent such as an antibiotic, antibacterial or antifungal agent.

Emery et al teaches additives that are added to prophylactic composition i.e. a vaccine such as an antibiotic, thimersol (antifungal, antibacterial) and others such as formalin, glutaraldehyde (see column 2 lines 29-36 and column 9 lines 20 to 27).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add an antibiotic to the vaccine of Chu and Galili et al as combined in order to preserve and stabilize the vaccine as taught by Emery et al (column 9 lines 20-27), thus resulting in the instant invention with a reasonable expectation of success.

Claim 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. US 2002/0025325 A1 Feb. 28, 2002 (cited previously) and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 24, 26, 27, 28, 31, 32, 33 and 35 above, further in view of Demello et al. US 5,846,830 Dec. 8, 1998.

The combination of Chu et al and Gallili et al is set forth supra. Said combination does not teach that the veterinary prophylactic composition comprises a UV dye post application identifier.

Demello et al teaches marker substances such as a fluorescent dye which can be activated by UV light e.g. fluorescein (column 4 lines 3-9) that can be applied to watering material or applied in a spray (column 3 lines 25 to 46) and can be detected in feces or urine of said animal (column 2 lines 13 to 19).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to substitute the dye of the vaccine of Chu and Gallili et al as combined with the UV dye of Demello et al as a way to identify which livestock animals have orally ingested the vaccines via drinking water as UV dyes can be identified in feces or urine of

the said animal (Demello et al column 2 lines 13 to 19), thus resulting in the instant invention with a reasonable expectation of success.

Claims 17, 18, 21, 22, 26, 27, 28, 31, 32 and 35 are rejected over Dowling et al. US 6,177,082 B1 Jan 23, 2001 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 in view of Gallili et al. US 6,541,001 B1 April. 1, 2003.

The claims are drawn to a method for treating livestock to achieve a positive effect on the health of an animal comprising: applying an effective dose of a prophylactic composition directly to a muzzle of said animal, wherein said animal distributes said effective dose into its oral and/or nasal cavities to contact the nasal and/or oral mucosa when said animal cleans said muzzle with its tongue, wherein said prophylactic composition includes at least one prophylactic agent and post-application identifier.

Dowling et al teaches a method of treating livestock such as swine and horses to protect them against influenza virus (achieve positive effect on the health of the animal) comprising a veterinary prophylactic agent (also a veterinary prophylactic composition since it is administered to veterinary animals/livestock) such as a pharmaceutical agent which comprising an effective dose of a influenza vaccine comprising applying the vaccine directly via nebulizer to the nose and mouth of animal (muzzle of an animal) see column 13 lines 26-39. Column 22 lines 49 to 53 shows how an animal is nebulized/spray i.e. by placing a mask connected to a nebulizer over an animals muzzle. Thus, by the vaccine being applied on to the muzzle the animal distributes the vaccine into the oral and nasal cavity when it engages in inherent natural licking of their muzzles with their tongues.

Dowling et al does not teach vaccines to treat livestock wherein the vaccines contain post application identifier such as a light visible dye and performance enhancing component such as viscosity enhancers and/or adhesive enhancers.

Gallili et al teaches vaccines that can be applied as aerosol or nasal spray for livestock e.g. cattle and large farm animals comprising as a colorants (light visible dyes) to help identify types of vaccine formulation. See abstract, column 1 lines 15-27, column 9 lines 9- 17

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add a colorant to the vaccine of Dowling et al because Gallili et al teaches that colorants such as dyes help identify types of vaccine formulations (column 11 lines 18-20, column 21 lines 19-21).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 26, 27, 28, 31, 32 and 35 above, further in view of Emery et al. US 5,906,826 May 25, 1999.

The combination of Dowling et al and Gallili et al is set forth supra. Said combination does not teach that the veterinary prophylactic agent comprises at least one preservative agent such as an antibiotic, Antibacterial or antifungal agent.

Emery et al teaches additives that are added to prophylactic composition i.e. a vaccine such as an antibiotic, thimersol (antifungal, antibacterial) and others such as formalin, glutaraldehyde (see column 2 lines 29-36 and column 9 lines 20 to 27).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add an antibiotic to the vaccine of Dowling and Galili et al as combined in order to preserve and stabilize the vaccine as taught by Emery et al (column 9 lines 20-27), thus resulting in the instant invention with a reasonable expectation of success.

Claim 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. US 6,177,082 B1 Jan 23, 2001 and Gallili et al. US 6,541,001 B1 April. 1, 2003 filed Aug. 21, 2000, as applied to claims 17, 18, 21, 22, 26, 27, 28, 31, 32 and 35 above, further in view of Demello et al. US 5,846,830 Dec. 8, 1998.

The combination of Dowling et al and Gallili et al is set forth supra. Said combination does not teach that the veterinary prophylactic composition comprises a UV dye post application identifier.

Demello et al teaches marker substances such as a fluorescent dye which can be activated by UV light e.g. fluorescein (column 4 lines 3-9) that can be applied as a spray (column 3 lines 25 to 46) and can be detected in feces or urine of said animal (column 2 lines 13 to 19).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to substitute the dye of the vaccine of Dowling and Gallili et al as combined with the UV dye of Demello et al as a way to identify which livestock animals have orally ingested the vaccines via drinking water as UV dyes can be identified in feces or urine of the said animal (Demello et al column 2 lines 13 to 19), thus resulting in the instant invention with a reasonable expectation of success.

Claims 17, 22, 25, 26, 27, 32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squires et al US 6,350,784 B1 Feb. 26, 2002 (filed March 26, 1997) in view of Reynolds et al US 5,753,244 May 19, 1998.

The claims are set forth supra.

Squires et al teaches a method of treating livestock e.g. a horse to achieve positive effect on the health of the horse comprising applying topically a veterinary prophylactic compound (also a veterinary prophylactic composition since it is administered to a horse) comprising an effective dose of viral inhibitors directly to a muzzle of said horse (see treatment of wart on muzzle of said horse, column 28 example 14). Since the viral inhibitor is applied to the muzzle of said horse, said horse distributes the viral inhibitor composition into the oral and/or nasal cavity when it engages in inherent natural licking of its muzzle with its tongue. Squire et al does not teach that the compound also contains a post application identifier.

Reynolds et al teaches skin treatment products such as a drug that comprises a light visible dye that changes from one color to another color (light-visible dye) or colored dyes that become invisible or colorless after application to the skin (non-visible dye) which ensures

uniform application to the skin for complete coverage of a desired area. See column 1 lines 10 to 17, lines 60-67, column 2 lines 54 to 67. column 4 lines 5 to 8 and lines 35 to 48).

It would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add any of the dyes of Reynolds et al to the composition of Squires et al because Reynolds et al teaches that such dyes ensures uniform application to the skin for complete coverage of a desired area, thus resulting in the instant invention with a reasonable expectation of success.

Claims 18-20, 23-24, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squires et al US 6,350,784 B1 Fe. 26, 2002 and Reynolds et al US 5,753,244 May 19, 1998 as applied to claims 17, 22, 25, 26, 27, 32, 34 and 35 above, further in view of Callaghan et al US 6,410,062 B1 (June 25, 2002 filed Jun. 2, 2000).

The combination of Squires and Reynolds et al is set forth supra. The prophylactic composition of Squires and Reynolds et al as combined is not applied to said muzzle with a brush or spray or via a carrier web such as a treatment patch or cloth wipe and does not teach the composition is as salve or paste. Said combination does not teach that said prophylactic composition comprises antibiotics, antibacterial or antifungal agents and does not teach an aroma enhancer or viscosity enhancer or adhesive enhancer.

Callaghan teaches a topical formulation for treating a skin disorder. Callaghan et al teaches ways in which topical treatments are applied such as by spray or brush and impregnating treatment in cloth wipes or treatment patches (carrier web). Callaghan also teaches that topical treatment can be applied as ointment (i.e. salve or paste). Callaghan et al teaches that topical treatments can contain binders (adhesive enhancers) or viscosity enhancer (emulsifier, oil) or perfume (aroma enhancer). See column 3 lines 41 to 45, lines 15 to 26-65). Callaghan also teaches that topical treatment can contain other beneficial biologically active agent such as antifungal, antibiotic/antibacterial agents (column 3 lines 41 to 45, lines 49 to 52, lines 38 to 55).

As to claims 18-20 and 28-30, it would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to formulate the prophylactic composition of Squires and Reynolds as combined as an ointment (salve/paste) to apply to the

muzzle of said livestock and also it would have been prima facie obvious to apply said composition via a brush or spray or treatment patch or wipe to said muzzle because these types and methods of topical application are taught by Callaghan et al, thus resulting in the instant invention with a reasonable expectation of succeeds.

As to claim 23, it would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add antibiotics, antibacterial or antifungal agents to the composition of Squires and Reynolds as combined because Reynolds et al teaches that they are biological active agents that can be added to a topical composition which treats a skin condition, thus resulting in the instant invention with a reasonable expectation of success.

As to claims 24 and 33 it would have been prima facie obvious to one of ordinary skill in the art at the time the instant invention was made to add binders (adhesive enhancers) or viscosity enhancer (emulsifier, oil) or perfume (aroma enhancer) because Reynolds et al teaches that these are pharmaceutical excipients that can be added to a composition that is applied topically, thus resulting in the instant invention with a reasonable expectation of success.

Status of Claims

Claims 17 and 27 is objected to. Claims 17-35 is rejected. No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWATOSIN OGUNBIYI whose telephone number is 571-272-9939. The examiner can normally be reached on M-F 8:30 am- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B Mondesi/
Supervisory Patent Examiner,
Art Unit 1645

/Oluwatosin Ogunbiyi/
Examiner, Art Unit 1645